



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,700	04/25/2006	Detlev Wittmer	WITT3005/FJD	8701
23364 7590 07/03/2008 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314				
EXAMINER				
WU, JUNCHUN				
ART UNIT		PAPER NUMBER		
2191				
MAIL DATE		DELIVERY MODE		
07/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,700

Applicant(s)

WITTMER ET AL.

Examiner

JUNCHUN WU

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed on May 23, 2008.
2. Claims 5-8 are pending in this application.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 5-8 are rejected under 35 U.S.C. 102(a) as being anticipated by “PROFIBUS technology and application – system description” Oct. 2002, hereinafter “PROFIBUS”.

4. Per claim 5

PROFIBUS discloses

A method for producing software modules for field devices for process automation technology, wherein the software modules serve as device descriptions and have defined interfaces for application programs in process control systems (See PROFIBUS page 27 Section 7.3 under “*Device Description as Software Component*”) comprising the steps of:

- producing standard device descriptions from standard device descriptions for field devices, syntactically and semantically correct (see PROFIBUS page 27 Section 7.2 **EDD**).
- converting the syntactically and semantically correct standard device descriptions further into corresponding software modules by means of a compiler (see PROFIBUS page 27

Section 7.3 **FDT/DTM Concept** discloses “*this component is called the DTM and is integrated in the engineering tools or control system over the FDT interface*”.

PROFIBUS further mention how to generate DTM by using a compiler or interpreter from an existing device description under **DTM generation**. For device description, PROFIBUS discloses on page 25 Section 7, **Device Management** “*PROFIBUS has developed a number of methods and tools for this type of device description which enable standardization of device management*”).

5. Per claim 6

The rejection of claim 5 is incorporated and PROFIBUS further discloses

- interfaces and the software modules meet the FDT/DTM specifications (PROFI BUS Guideline -Order No. 2.162 "Specification for Profibus Device Descriptions and Device Integration", Volume 3) (See PROFIBUS page 27 Section 7.3 “**The FDT Interface**” & “*DTM (device type manager) is integrated in the engineering tool or control system over the FDT interface.*”).

6. Per claim 7

The rejection of claim 5 is incorporated and PROFIBUS implicitly discloses

- the standard device descriptions are one of: PDM device descriptions, HCF device descriptions or company-specific device descriptions (In the ordinary skill of art, PDM (Process Device Manager) is an universal tool for configuration, parameter

assignment, commissioning, diagnostics and maintenance of intelligent field devices and automation components and also HCF (HART® Communication Foundation) standard device description is a comprehensive set of software tool for development, testing and maintenance of HART device descriptions. Those tools are well known and may use in PROFIBUS).

7. Per claim 8

The rejection of claim 5 is incorporated and PROFIBUS further discloses

- the syntactically and semantically correct, device description is an EDD 1.1 device description (PROFIBUS Guideline -Order No. 2.162 "Specification for Profibus Device Descriptions and Device Integration", Volume 2) (See PROFIBUS page 27 Section 7.2 "*The specification of the EDDL is an integral component of the international standard IEC 61804.*").

Response to Arguments

Applicant's arguments filed on May 23, 2008 have been fully considered but they are not persuasive.

In the remarks, Applicant argues that:

- (a) In regard to claim 5, PROFIBUS fail to teach or suggest "converting the standard device descriptions by means of a compiler into corresponding software modules".

Examiner's response:

- (a) Examiner disagrees.

In PROFIBUS page 27 Section **7.3 FDT/DTM Concept** discloses “*this component is called the DTM and is integrated in the engineering tools or control system over the FDT interface*”.

PROFIBUS further mention how to generate DTM by using a compiler or interpreter from an existing device description under **DTM generation**. For device description, PROFIBUS discloses on page 25 Section **7. Device Management** “*PROFIBUS has developed a number of methods and tools for this type of device description which enable standardization of device management*”. i.e. DTM is component which may refer to software module.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junchun Wu whose telephone number is 571-270-1250. The examiner can normally be reached on 8:00-17:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JW

/Wei Zhen/

Supervisory Patent Examiner, Art Unit 2191